

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
7:14-CV-224-BO

UNITED STATES,)
)
Plaintiff,)
)
v)
)
GEORGE L. SAUNDERS, *et al.*,)
)
Defendants.)

CONSENT JUDGMENT ON COUNT II FORECLOSING FEDERAL TAX LIENS
AND ORDER OF SALE OF REAL PROPERTY

Having considered the consent of the United States, and George and LaBommie Saunders, it is ORDERED AND ADJUDGED as follows:

Judgment is hereby entered in favor of the United States and against George and LaBommie Saunders as to the relief in Count II, and ordered that the federal tax liens arising against George and LaBommie Saunders as a result of the tax liabilities set forth in the complaint are foreclosed against the land adjacent to 602 Thomasboro Road, Calabash, North Carolina (the Lot) with the following legal description:

BEING all of that 0.46 acre parcel shown as Tract 1 on that map prepared by Norris & Ward Land Surveyors, PA, dated December 30, 1996, and recorded in the office of the Register of Deeds of Brunswick County in Map Book 18 at page 196.

And that the Lot be sold under 28 U.S.C. §§ 2001 and 2002, to satisfy the liens on the Real Property and Lot as follows:¹

1. The Internal Revenue Service ("IRS") Property Appraisal and Liquidation Specialists ("PALS") and/or the United States Marshals Service ("Marshals") are authorized to offer for public sale and to sell the Lot.
2. The terms and conditions of the sale are as follows:
 - a. The sale of the Lot shall be free and clear of the interests of all parties.
 - b. The sale shall be subject to building lines, if established, all laws, ordinances, and governmental regulations (including building and zoning ordinances) affecting the Lot, and easements and restrictions of record, if any;
 - c. The sale shall be held either at the courthouse of the county or city in which the Lot is located or on the Lot's premises;
 - d. The PALS and/or Marshals shall announce the date and time for sale;
 - e. Notice of the sale shall be published once a week for at least four consecutive weeks before the sale in at least one newspaper regularly issued and of general circulation in Brunswick County, and, at the discretion of the PALS and/or Marshals, by any other notice that the PALS and/or Marshals deem appropriate. The notice shall contain a description of the Lot, and shall contain the terms and conditions of sale in this order of sale;

¹ The United States shall have the option of consenting to a private sale of the Lot, which consent shall be in its sole discretion.

f. The PALS and/or Marshals shall set the minimum bid. If the minimum bid is not met or exceeded, the PALS and/or Marshals may, without further permission of this Court, and under the terms and conditions in this order of sale, hold a new public sale, if necessary, and reduce the minimum bid;

g. At the time of the sale, the successful bidder(s) shall deposit with the PALS and/or Marshals, by cash or by certified or cashier's check payable to the United States District Court for the Eastern District of North Carolina, a minimum of 20 percent of the bid. Before being permitted to bid at the sale, potential bidders shall display to the PALS and/or Marshals proof that they are able to comply with this requirement. No bids will be accepted from any person(s) who have not presented proof that, if they are the successful bidders(s), they can make the deposit required by this order of sale;

h. The successful bidder(s) shall pay the balance of the purchase price for the Lot to the Clerk of the Court within 30 days following the date of the sale, by a certified or cashier's check payable to the "Clerk, U.S. District Court." This payment shall be placed into the registry of the Court, and the payment shall not accrue interest. If the bidder fails to fulfill this requirement, the deposit shall be forfeited and shall be applied to cover the expenses of the sale, with any amount remaining to be paid to the United States to be applied to the tax liabilities of George and LaBommie Saunders. The Lot shall be again offered for sale under the terms and conditions of this order of sale or, in the alternative, sold to the second highest bidder. The United States may bid as a creditor against its judgment without tender of cash;

i. The sale of the Lot shall be subject to confirmation by this Court. On confirmation of the sale, the PALS and/or Marshals shall execute and deliver its deed conveying the Lot to the purchaser(s). On confirmation of the sale, all interests in, liens against, or claims to, the Lot that are held or asserted by all parties to this action are discharged and extinguished;

j. When this Court confirms the sale, the Recording Official of Brunswick County, North Carolina, shall cause transfer of the Lot to be reflected upon that county's register of title. The successful bidder at the sale shall pay, in addition to the amount of the bid, any documentary stamps and Clerk's registry fees as provided by law;

k. The sale of the Lot is ordered pursuant to 28 U.S.C. § 2001, and is made without right of redemption.

3. Until the Lot is sold, George and LaBommie Saunders shall take all reasonable steps necessary to preserve the Lot (including all buildings, improvements, fixtures and appurtenances) in its current condition including, without limitation, maintaining a fire and casualty insurance policy on Lot. They shall neither commit waste against the Lot nor cause or permit anyone else to do so. They shall neither do anything that tends to reduce the value or marketability of the Lot nor cause or permit anyone else to do so. They shall not record any instruments, publish any notice, or take any other action (such as running newspaper advertisements, posting signs, or making internet postings) that may directly or indirectly tend to adversely affect the value of the Lot or

that may tend to deter or discourage potential bidders from participating in the public auction, nor shall they cause or permit anyone else to do so.

4. Upon notice from PALS or the Marshals, George and LaBommie Saunders and all other persons or entities present on the Lot shall vacate it within 30 days, taking with them their personal property (but leaving all improvements, buildings, fixtures, and appurtenances to the Real Property and Lot). If they fail or refuse to vacate, the PALS are authorized to coordinate with the Marshals to take all actions that are reasonably necessary to have those persons or entities ejected. Any personal property remaining on the Lot is deemed forfeited and abandoned, and the PALS and/or Marshals are authorized to dispose of it in any manner they see fit, including sale, in which case the proceeds of the sale are to be applied first to the expenses of sale and the balance to be paid into the Court for further distribution.

5. Pending the sale of the Lot and until the deed to the Lot is delivered to the successful bidder(s), the IRS is authorized to have free access to the premises in order to take any and all actions necessary to preserve the Lot, including, but not limited to, retaining a locksmith or other person to change or install locks or other security devices on any part of the Lot.

6. No later than 30 days after receipt of the balance of the purchase price of the Lot sold, the United States shall file a report of sale with the Court, together with a proposed order of confirmation of the sale that includes a proposed distribution of proceeds and proposed deed of sale.

7. After the Court confirms the sale, the sale proceeds are to be applied to the following items, in the order specified:

- a. First, to the United States Treasury for the expenses of the sale, including any expenses incurred to secure or maintain the lot pending sale and confirmation by the Court, and to Brunswick County for any unpaid and matured real property taxes.
- b. All remaining proceeds to be paid to the United States to be applied against the Judgments entered under Count I.

SO ORDERED this 19 day of August, 2015


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE